

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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URBN US RETAIL LLC,

Plaintiff,

v.

Civil Action No.:

ZURICH AMERICAN INSURANCE  
COMPANY,

Defendant.  
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**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§1332, 1441, and 1446, Defendant Zurich American Insurance Company (“Zurich”) hereby removes this action from the Court of Common Pleas of Philadelphia County, Pennsylvania to the United States District Court for the Eastern District of Pennsylvania. In support of removal, Zurich asserts the following grounds:

1. This civil action is subject to removal as it is within the Court’s original jurisdiction pursuant to 28 U.S.C. § 1332(a)(1) because the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs, and is between citizens of different states.
2. Plaintiff URBN US RETAIL LLC (“Plaintiff” or “Urban Outfitters”) filed this action, captioned as, URBN US RETAIL LLC v. ZURICH AMERICAN INSURANCE COMPANY, Docket No. 210202607 in the Court of Common Pleas of Philadelphia County, Pennsylvania on February 26, 2021 through a writ of summons. Plaintiff did not file a Complaint until October 11, 2021. A copy of the Complaint is attached hereto as **Exhibit A**.
3. Defendant Zurich was served with the Complaint on October 11, 2021.

4. Complete diversity exists because, as set forth in the Complaint, the Plaintiff LLC is a citizen of Pennsylvania and is headquartered in Philadelphia, Pennsylvania, and upon information and belief, has no members who are citizens of either New York or Illinois. Zurich is a citizen of New York and Illinois – incorporated in New York and headquartered in Illinois.

5. Because Plaintiff's members are citizens of different states than Zurich, complete diversity exists.

6. Further, upon information and belief, based on the Complaint which seeks coverage subject to the Policy's \$500,000 per occurrence coverage limit, the claimed monetary damages and, thus, the amount in controversy is in excess of both the \$75,000 jurisdictional limit and the arbitration limit of \$150,000.

7. This notice is timely under 28 U.S.C. § 1446(b) as the Complaint was not served, or otherwise, received by Zurich until October 11, 2021.

8. The Eastern District of Pennsylvania is the proper venue for removal because the state court where this action is pending is located within this District.

9. Contemporaneously with the filing of this notice of removal, Zurich has provided Plaintiff's counsel with written notice of this filing and is filing a true and accurate copy of this Notice, together with all exhibits, with the Court of Common Pleas of Philadelphia County, Pennsylvania as required by 28 U.S.C. § 1446(d).

10. A copy of the docket report and all documents filed in the State Court are attached as **Exhibit B**.

By filing this Notice for Removal, Zurich does not waive any of its potential defenses or counterclaims to Plaintiff's Complaint.

WHEREFORE, without waiving any of its potential defenses or counterclaims, Zurich respectfully requests that this action be removed from the Court of Common Pleas of Philadelphia County, Pennsylvania, Case ID No. 210202607, to this Court and that there be no further proceedings in the state court unless and until this case is remanded.

Dated: November 1, 2021

Respectfully submitted,

s/ Louis A. Bove

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s/ Susan M. Kennedy

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